

**IN THE UNITED STATES DISTRICT COURT,
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARGUERITE MARION

Plaintiff,

v.

**BANK OF AMERICA, NATIONAL
ASSOCIATION**

Defendant.

Case No. 1:08 cv 03867

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION
FOR LEAVE TO FILE *INSTANTER* ITS RESPONSE
TO MOTION TO REMAND**

Plaintiff Marguerite Marion ("Marion or Plaintiff"), by her undersigned attorneys, Bellows and Bellows, P.C., hereby responds to Defendant, Bank of America Corporation's ("BOA") Motion for Leave to File *Instante*r its Response to Motion to Remand. In opposition to Defendant's Motion, Plaintiff states as follows:

1. On August 22, 2008, Plaintiff agreed to the filing of a motion to extend the time for Defendant to file a response to Plaintiff's Motion to Remand to August 29, 2008. On August 26, 2008, this Court entered the agreed order granting such extension.
2. On August 29, 2008, Defendant failed to file such a Response and did not attempt to contact counsel for Plaintiff to resolve this issue.
3. By the afternoon of September 2, 2008, counsel for Defendant had still not contacted counsel for Plaintiff regarding its failure to timely file its Response.
4. At approximately 4:00 p.m. on Tuesday, September 2, 2008, counsel for Defendant contacted counsel for Plaintiff and informed her of Defendant's intent to file its Motion for Leave to File *Instante*r its Response.

5. Counsel for Plaintiff asked counsel for Defendant why an email or voicemail was not provided on Friday, August 29, 2008 and why the request was delayed until late afternoon on September 2, 2008.

6. Counsel for Defendant claims that this delay is irrelevant, but, to the contrary, Defendant has had four additional days to work on its Response.

7. Defendant's Motion does not request an extension of the deadline by which Plaintiff must file her Reply. Plaintiff's Reply is due on September 5, 2008.

8. As this Court has already granted Defendant one extension of time, which it did not comply with, the instant second request should be denied.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendant's Motion for Leave to File its Response to Plaintiff's Motion to Remand and for such other relief as this Court deems appropriate.

DATED: September 4, 2008

Plaintiff Marguerite Marion,

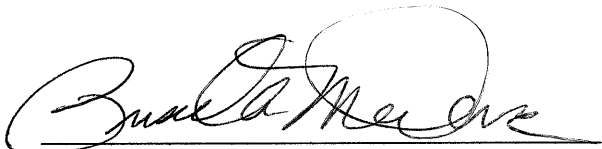
By: 
One of Her Attorneys

Joel J. Bellows, Esq.
Kristen E. Prinz, Esq.
BELLOWS AND BELLOWS, P.C.
209 South LaSalle Street, Suite 800
Chicago, Illinois 60604
Attorney No. 01000

CERTIFICATE OF SERVICE

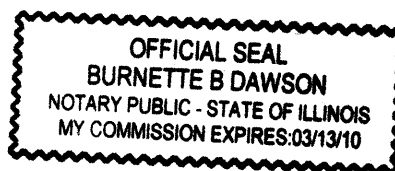
I, Priscella Medina, a non-attorney, being first duly sworn upon oath, do hereby certify that copies of the foregoing Plaintiff's Response In Opposition to Defendant's Motion for Leave to be filed electronically in the United States District Court for the Northern District of Illinois on this 4th day of September, and that a true and correct copy of the foregoing was served on the following via the Court's electronic filing system:

Jeffrey K. Ross
Ronald J. Kramer
Kathryn S. Clark
SEYFARTH SHAW LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603


Priscella Medina

SUBSCRIBED and SWORN to
before me this 4th day of September, 2008


Notary Public



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NOTICE OF FILING

**TO: Jeffrey K. Ross
Ronald J. Kramer
Kathryn S. Clark
SEYFARTH SHAW LLP
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603**

PLEASE TAKE NOTICE that on September 4, 2008, we caused to be filed with the United States District Court clerk, Plaintiff's Response In Opposition to Defendant's Motion For Leave To File *Instanter* Its Response To Motion To Remand.

Dated at Chicago, Illinois this 4th day of September 2008.

BELLOWS AND BELLOWS, P.C.

By: s/Kristen Prinz
One of the Attorneys for
Plaintiff

**Joel J. Bellows, Esq.
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